

David Miller, SBN: 104139
 MILLER & ANGSTADT
 A Professional Corporation
 1910 Olympic Boulevard, Suite 220
 Walnut Creek, CA 94596
 Telephone: 925-930-9255
 Facsimile: 925-930-7595

Attorneys for Defendants
 NORTHWEST STAFFING RESOURCES, INC.,
 an Oregon corporation; RESOURCE
 STAFFING GROUP, INC., an Oregon
 corporation DULCICH STAFFING, LLC, an
 Oregon limited liability corporation

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

U-HAUL COMPANY OF CALIFORNIA,
 Inc., a California corporation,

Case No.: C07-3848 -JCS

Plaintiffs,

v.

NORTHWEST STAFFING RESOURCES,
 INC., an Oregon corporation; RESOURCE
 STAFFING GROUP, INC., an Oregon
 corporation; DULCICH STAFFING, LLC,
 an Oregon limited liability corporation; a
 FISHER & PHILLIPS LLP
 Defendants.

**PROPOSED ORDER OF DEFENDANT
 OF DULCICH STAFFING, LLC ON -
 MOTION TO DISMISS FOR FAILURE
 TO STATE A CLAIM FOR WHICH
 RELIEF CAN BE GRANTED [FRCP
 12(b)(6)] OR IN THE ALTERNATIVE
 FOR A MORE DEFINITE
 STATEMENT AND TO STRIKE [FRCP
 12(e)(f)]**

Date: September 14, 2007
 Time: 9:30
 Dept: Ctrm. A

The above-captioned matter came on for hearing on September 14, 2007 at 8:00 a.m., before the
 Honorable Joseph C. Spero, United States Magistrate. Plaintiff U-HAUL COMPANY OF
 CALIFORNIA was represented by _____, of the law firm FISHER & PHILLIPS LLP
 and Defendant DULCICH STAFFING, LLC was represented by David Miller, of Miller &

Defendants Dulcich Staffing LLC's Proposed Order

1 Angstadt Professional Corporation.

2 The Court having duly considered the motion, the pleadings on file herein, including
3 Plaintiff's Complaint and all attachments thereto and all papers filed in support, and having
4 considered Plaintiff's Opposition, the arguments of counsel and all papers on file in this matter
5 makes the following:

6
7 **ORDER**

8
9 (A) Defendant DULCICH STAFFING'S Motion to Dismiss pursuant to FRCP 12(b)(6) is
10 hereby granted in its entirety.

11 (B) Defendant DULCICH STAFFING's Motion to Dismiss pursuant to FRCP 12(b)(6) is
12 hereby granted in the following respects:

13
14 (C) To the extent that the Motion is not granted, Plaintiff is required to prepare and serve no
15 later than _____, a more definite statement of the alleged basis of Defendant Dulcich
16 Staffing's claimed liability to facilitate the preparation of an appropriate responsive pleading. . If
17 such a more definite statement is not filed and served within the time allotted by this Order, all
18 claims against Defendant DULCICH STAFFING LLC shall be deemed stricken and therefor
19 dismissed and Judgement shall issue against Plaintiff and in favor of DULCICH STAFFING
20 thereon. In that event, DULCICH STAFFING shall be awarded its attorneys fees and costs in
21 bringing this motion and/or pursuant to FRCP Rule 11.

22
23 DATED: _____, 2007

MAGISTRATE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

24
25
26
27 Defendants Dulcich Staffing LLC's Proposed Order

PROOF OF SERVICE [FRCP 5(b)(d)]

I am a citizen of the United States. My business address is 1910 Olympic Blvd., Suite 220, Walnut Creek, California 94596. I am employed in the County of Contra Costa where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served the foregoing document(s) described as:

**NOTICE OF MOTION AND MOTION OF DULCICH STAFFING, LLC TO DISMISS
FOR FAILURE TO STATE A CLAIM FOR WHICH RELIEF CAN BE GRANTED
FRCP 12(b)(6)**

on said date at my place of business, a true and correct copy thereof enclosed in a sealed envelope prepaid for first-class mail for collection and mailing that same day in the ordinary course of business, addressed to the parties as follows:

Robert Yonowitz, Esq.
Stacey A. Zartler, Esq.
Fisher and Phillips, LLP
One Embarcadero Center, Suite 2340
San Francisco, California 94111-3712

☒ **(BY MAIL)** I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Walnut Creek, California.

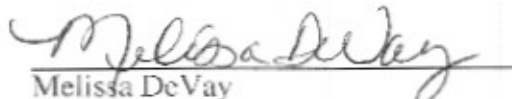
☐ **(BY FACSIMILE)** I transmitted a true and correct copy by facsimile to the number indicated above.

☐ **(BY PERSONAL SERVICE)** I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s) as listed above.

☐ **(BY OVERNIGHT DELIVERY)** I caused such envelope(s) to be delivered to an overnight delivery carrier with the delivery fees provided for, addressed to the person(s) on whom it is to be served as shown above.

☒ **(FEDERAL)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 31, 2007 at Walnut Creek, California


Melissa DeVay